

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUSTEN WILLIAM DEFANG,

Plaintiff,

V.

JOHN DOE MEYER, *et al.*,

Defendants.

CASE NO. C09-5757BHS

**ORDER DENYING APPOINTMENT
OF COUNSEL**

This Civil Rights Action has been referred to United States Magistrate Judge J. Richard
Creatura pursuant to 28 U.S.C. § 636 (b) (1) (A) and 636 (b) (1) (B), and Local Magistrate
Judge's Rule MJR3 and MJR4.

Before the Court is Plaintiff's motion asking for appointment of counsel (Dkt. # 12). The underlying claim involves loss of personal property.

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915 (e) (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both

1 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro
2 se in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

3 Plaintiff has demonstrated an adequate ability to articulate his claims pro se (Dkt # 5) and
4 there has been no showing of exceptional circumstances. The motion is DENIED.

5 The Clerk's Office is directed to remove Dkt. # 12 from the Court's calendar.

6 DATED this 5th day of March, 2010.

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10 J. Richard Creatura
11 United States Magistrate Judge
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